

STATE OF MICHIGAN  
COURT OF APPEALS

---

ROBERT BRUCE HARMSSEN,

Plaintiff/Counter-Defendant-  
Appellee,

v

JESSICA MARIE HARMSSEN,

Defendant/Counter-Plaintiff-  
Appellant.

---

UNPUBLISHED  
December 11, 2003

No. 241316  
Ottawa Circuit Court  
LC No. 00-038882-DO

Before: Smolenski, P.J., and Sawyer and Borrello, JJ.

SMOLENSKI, P.J. (*dissenting*).

I agree with the majority's conclusion that plaintiff's partial ownership of the family business was an inheritance, and thus, separate property not ordinarily subject to marital division. However, because I would find that the division of the marital assets were insufficient for defendant's support, I respectfully dissent.

I believe that the facts demonstrate that defendant had a real need for additional support beyond her own social security disability benefits. Therefore, I would find that plaintiff's ownership interest of the family business should have been subject to equitable division under MCL 552.23(1) and would hold that the division of the parties' assets was inequitable under the circumstances.

/s/ Michael R. Smolenski